

NOTICE OF INTENT

Department of Environmental Quality
Office of Water Resources
Water Pollution Control Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Pollution Control Division Regulations, LAC 33:IX. 2341, 2443, 2531, 2533, 2709, and Appendix N, (Log # WP024*).

This proposed rule is identical to a federal law or regulation, 40 CFR part 136, 1996; 40 CFR chapter 1, subchapter N, parts 401-402, 404-471, 1996; 60 FR 40230, August 7, 1995 (parts 122 and 124); 60 FR 54764, October 25, 1995 (part 403 only); and 61 FR 15566, April 8, 1996 (part 403 only), which is applicable in Louisiana. For more information regarding the federal requirement, you may contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

The proposed rule establishes application procedures for phase II storm water discharges (point source discharges from commercial, retail, and institutional facilities and from municipal separate storm sewers systems serving populations less than 100,000). The dates for adoption by reference of 40 CFR part 136 and 40 CFR chapter 1, subchapter N, parts 401-402 and 404-471 are updated from 1994 to 1996. The proposed rule also removes chromium in sewage sludge that is land applied from the list of regulated pollutants for which a removal credit may be available, and adds it to the list of unregulated pollutants that are eligible for a removal credit. Additionally, the rule includes new language and references to recent changes in land disposal restrictions as they apply to development of specific limits by POTWs and to local limits.

A public hearing will be held on July 25, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by the WP024*. Such comments must be received no later than July 25, 1997, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Post Office Box 82282, Baton Rouge, LA 70884 or to fax number (504)765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. You may

contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP024*.

This proposed regulation is available for inspection at the following DEQ office locations from 8:00 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, 4th Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508. This regulation is also available on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Linda Korn Levy
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality Regulations

Chapter 23. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Subchapter B. Permit Application and Special LPDES Program Requirements

§2341. Storm Water Discharges

A. Permit Requirement

1. Prior to October 1, ~~1992~~1994, discharges composed entirely of storm water shall not be required to obtain a n LPDES permit except:

* * *

[See Prior Text in A.1.a - A.8]

9. On and after October 1, 1994, dischargers composed entirely of storm water, that are not otherwise already required by Subsection A.1 of this Section to obtain a permit, shall be required to apply for and obtain a permit according to the application requirements in Subsection G of this Section. The state administrative authority may not require a permit for discharges of storm water as provided in Subsection A.2 of this Section or agricultural storm water runoff which is exempted from the definition of point source at LAC 33:IX.2313 and 2315.

* * *

[See Prior Text in B - D.2.h]

E. Application Deadlines ~~. Any operator of a point source required to obtain a permit under LAC 33:IX.2341.A.1 that does not have an effective LPDES permit covering its storm water outfalls shall submit an application in accordance with the following deadlines:~~ Under Subsection A.1 of this Section

* * *

[See Prior Text in E.1-1.a]

b. For any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit application requirements are ~~reserved~~ contained in Subsection G of this Section.

* * *

[See Prior Text in E.2 - F.5]

G. Application Requirements for Discharges Composed Entirely of Storm Water Under Clean Water Act Section 402(p)(6). Any operator of a point source required to obtain a permit under Subsection A.9 of this Section shall submit an application in accordance with the following requirements.

1. Application Deadlines. The operator shall submit an application in accordance with the following deadlines:

a. a discharger which the state administrative authority determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state shall apply for a permit to the state administrative authority within 180 days of receipt of notice, unless permission for a later date is granted by the state administrative authority (see LAC 33:IX.2443.C); or

b. all other dischargers shall apply to the state administrative authority no later than August 7, 2001.

2. Application Requirements. The operator shall submit an application in accordance with the following requirements, unless otherwise modified by the state administrative authority:

a. individual application for nonmunicipal discharges. The requirements contained in Subsection C.1 of this Section.

b. application requirements for municipal separate storm sewer discharges. The requirements contained in Subsection D of this Section.

c. notice of intent to be covered by a general permit issued by the state administrative authority. The requirements contained in LAC 33:IX.2345.B.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR**.

§2443. Permits Required on a Case-by-case Basis

* * *

[See Prior Text in A - B]

C. Prior to a case-by-case determination that an individual permit is required for a storm water discharge under this Section (see LAC 33:IX.2341.A.1.e, ~~and C.1.e~~, and G.1.a), the state administrative authority may require the discharger to submit a permit application or other information regarding the discharge under section 308 of the CWA. In requiring such information, the state administrative authority shall notify the discharger in writing and shall send an application form with the notice. The discharger must apply for a permit under LAC 33:IX.2341 ~~.A.1.e and C.1.e~~ within 60 days of notice or under LAC 33:IX.2341.G.1.a within 180 days of notice, unless permission for a later date is granted by the state administrative authority. The question whether the initial designation was proper will remain open for consideration during the public comment period under LAC 33:IX.2417 and in any subsequent hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR**.

Subchapter N. Adoption by Reference

The Louisiana Department of Environmental Quality adopts by reference the following federal requirements.

§2531. 40 CFR Part 136

Title 40 (Protection of the Environment) Code of Federal Regulations (CFR) part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, revised July 1, ~~1994~~1996, in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR**.

§2533. 40 CFR Subchapter N

Title 40 (Protection of the Environment) CFR, chapter 1, subchapter N (Effluent Guidelines and Standards), revised July 1, ~~1994~~1996, parts 401 and 402, and parts 404 - 471 in their entirety. (Note: General Pretreatment Regulations for Existing and New Sources of Pollution found in part 403 of subchapter N have been included in ~~this document~~ these regulations as Subchapter T.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR**.

Subchapter T. General Pretreatment Regulations for Existing and New Sources of Pollution

§2709. National Pretreatment Standards: Prohibited Discharges

* * *

[See Prior Text in A - B.8]

C. ~~When Development of~~ Specific Limits ~~Must Be Developed~~ by POTW s.

1. Each POTW developing a POTW pretreatment program pursuant to LAC 33:IX.2715 shall develop and enforce specific limits to implement the prohibitions listed in Subsections A.1 and B of this Section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits. In addition, the POTW may establish such limits as necessary to address the land disposal restrictions at 40 CFR 268.40 (40 CFR, July 1, 1996, as amended in 61 FR 36419, July 9, 1996, and 61 FR 43927, August 26, 1996).

* * *

[See Prior Text in C.2 - C.3]

D. Local Limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with Subsection C of this Section, including those standards established to address land disposal restrictions at 40 CFR 268.40 (40 CFR, July 1, 1996, as amended in 61 FR 36419, July 9, 1996, and 61 FR 43927, August 26, 1996), such limits shall be deemed pretreatment standards for the purposes of section 307(d) of the Act.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and

in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR**.

Appendix N

Pollutants Eligible for a Removal Credit

I. Regulated Pollutants in 40 CFR Part 503 Eligible for a Removal Credit

Pollutants	Use or Disposal Practice		
	LA	SD	I
Arsenic	X	X	X
Beryllium			X
Cadmium	X		X
Chromium	✕	X	X
Copper	X		
Lead	X		X
Mercury	X		X
Molybdenum	X		
Nickel	X	X	X
Selenium	X		
Zinc	X		
Total hydrocarbons			X ¹

Key:

LA = land application

SD = surface disposal site without a liner and leachate collection system

I = firing of sewage sludge in a sewage sludge incinerator

¹ The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons in subpart E in 40 CFR part 503 are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin (total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Di-n-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alpha-hexachlorocyclohexane, Beta-hexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2,-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

II. Additional Pollutants Eligible for a Removal Credit (milligrams per kilogram--dry weight basis)

Pollutant	Use or Disposal Practice			
	LA	SD		I
		Unlined ¹	Lined ²	
Arsenic			³ 100	
Aldrin/Dieldrin (Total)	2.7			
Benzene	³ 16	140	3400	
Benzo(a)pyrene	15	³ 100	³ 100	
Bis(2-ethylhexyl)phthalate		³ 100	100	
Cadmium		³ 100	³ 100	
Chlordane	86	³ 100	³ 100	
Chromium	⁴		³ 100	
Copper		³ 46	³ 100	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	
2,4 Dichlorophenoxy-acetic acid		7	7	
Fluoride	730			
Heptachlor	7.4			
Hexachlorobenzene	29			
Hexachlorobutadiene	600			
Iron	³ 78			
Lead		³ 100	³ 100	
Lindane	84	³ 28	³ 28	
Malathion		0.63	0.63	
Mercury		³ 100	³ 100	
Molybdenum		40	40	
Nickel			³ 100	
N-Nitrosodimethylamine	2.1	0.088	0.088	
Pentachlorophenol	30			
Phenol		82	82	
Polychlorinated biphenyls	4.6	<50	<50	
Selenium		4.8	4.8	4.8
Toxaphene	10	³ 26	³ 26	

Pollutant	Use or Disposal Practice			
	LA	SD		I
		Unlined ¹	Lined ²	
Trichloroethylene	³ 10	9500	³ 10	
Zinc		4500	4500	4500

Key:

LA = land application

SD = surface disposal

I = incineration.

¹ Sewage sludge unit without a liner and leachate collection system.² Sewage sludge unit with a liner and leachate collection system.³ Value expressed in grams per kilogram--dry weight basis.⁴ Value to be determined on a case-by-case basis.